

Application No.: 10/735,588
Filing Date: December 12, 2003

REMARKS

The following remarks are responsive to the November 10, 2009 Office Action. Applicants respectfully request Examiner to reconsider the application in view of the foregoing amendments and the following remarks.

Summary of the Office Action

In the November 10, 2009 Office Action, Claims 1-4, 9-14, 21-37 and 44-52 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,715,825 issued to Crowley (hereinafter “Crowley”). Claims 15, 38, 39 and 53 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Crowley in view of U.S. Patent No. 4,947,852 issued to Nassi et al. (hereinafter “Nassi”). Claims 40-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Crowley in view of U.S. Patent No. 4,699,150 issued to Kawabuchi et al. (hereinafter “Kawabuchi”).

Traversal of Rejection Under 35 U.S.C. § 102(e)

Applicants have amended Claims 1-4, 9, 10, 13, 14, 22, 23, 25, 26, 28-37, 45, 46, 49 and 51 to recite, *inter alia*, “a first binding medium” and/or “a second binding medium.” Applicants respectfully assert that Crowley does not disclose each and every element of amended independent Claims 1 and 28. Specifically, the sheaths in Crowley do not resemble nor function as the claimed binding medium. Thus, Crowley fails to disclose or suggest at least “a first binding medium adjacent to the first end of the ultrasound transducer,” and “a second binding medium adjacent to the side of the ultrasound transducer.” Therefore, Applicants respectfully request that Examiner withdraw the rejection of Claims 1 and 28 and indicate that these claims are allowable over the prior art.

Claims 2-4, 9-14, 21-27, 29-37 and 44-52 depend on allowable independent Claim 1 or 28, and necessarily include all the limitations of the respective independent claim. As such, Claims 3-4, 9-14, 21-27, 29-37 and 44-52 are also allowable for at least the reason discussed above. Applicants respectfully request that Examiner withdraw the rejection of Claims 2-4, 9-14, 21-27, 29-37 and 44-52 and indicate that these claims are allowable over the prior art.

Traversal of Rejections Under 35 U.S.C. § 103(a)

Applicants have also amended Claims 15, 35 and 38-43 to recite, *inter alia*, “a first binding medium” and/or “a second binding medium.” With regards to Claim 53, Applicants respectfully assert that Crowley in view of Nassi or any other reference does not disclose each and every element of Claim 53. As discussed above, Crowley does not teach or suggest “a first binding medium” or “a second binding medium.” Since Nassi also fails to teach or suggest at least “a first binding medium” or “a second binding medium,” it does not cure the defect of Crowley. Thus the combination of Crowley and Nassi does not render Claim 53 obvious.

With regards to Claims 15 and 38-43, Applicants assert that these claims depend from allowable Claim 1 or 28. Applicants assert that the various combinations of prior art suggested by Examiner do not teach or disclose each and every element of the dependent Claims 15 and 38-43, for at least the reason discussed above. Therefore, Applicants respectfully request that Examiner withdraw the rejection of Claims 15 and 38-43 and indicate that these claims are allowable over the prior art.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

Applicants respectfully submit that the above rejections and objections have been overcome and that the present application is now in condition for allowance in view of the above remarks. Therefore, Applicants respectfully request that Examiner indicate that Claims 1-4, 9-11,

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13-15 and 21-53 are now allowable. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of Examiner's rejections and each of Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Applicants also have not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements noted above, and Applicants reserve the right to later contest whether a proper reason exists to combine these references and to submit indicia of the non-obviousness of the claimed management system.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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